

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO: 5:10-CV-00539-BR**

THEODORE JUSTICE,)
)
)
Plaintiff,)
v.)
)
)
GRANVILLE COUNTY BOARD)
OF EDUCATION,)
)
Defendant.)

ORDER

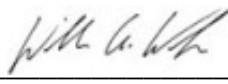
This cause comes before the Court upon pro se Plaintiff's second motion to compel (DE-41), to which Defendant has responded (DE-42). In the order denying Plaintiff's first motion to compel, the undersigned explained that, as an initial matter, it was "unclear whether Plaintiff is entitled to discovery on his IDEA claim" under applicable Fourth Circuit precedent. (DE-37, p.1). The undersigned further noted that Defendant had nevertheless complied with Plaintiff's discovery requests and produced all responsive documents. Plaintiff's first motion to compel was therefore denied. The order cautioned Plaintiff that "[i]f any further discovery disputes are referred to the undersigned, sanctions will be imposed pursuant to Rule 37(a)(5) of the Federal Rules of Civil Procedure." (DE-37, p.2).

By his second motion to compel, Plaintiff continues to insist that Defendants have not complied with discovery. However, "Defendant's Objections and Responses to

Plaintiff's First Request for Production of Documents," attached as Exhibit D to Plaintiff's second motion to compel, contradicts this assertion. Exhibit D indicates that Defendant has produced relevant documents, including Plaintiff's son's "cumulative and Exceptional Children's file and correspondence," "documents labeled 'Correspondence with Parent,'" and "Coghill Correspondence." (DE-41-5). Exhibit D further notes that Plaintiff is already in possession of the transcripts and exhibits of the administrative hearing that was held in this case. Defendant also fully responded to Plaintiff's request for admissions. (DE-41-3). In its present response to Plaintiff's second motion to compel, Defendant asserts that Plaintiff "has made no attempt to resolve [the discovery] issues with the Board's counsel." (DE-42, p.2).

The evidence of record demonstrates that Plaintiff's motion to compel lacks any substantive basis. The undersigned explicitly cautioned Plaintiff against filing additional motions to compel. Plaintiff is therefore ORDERED to file a statement with this Court by 12:00 p.m. on Wednesday, February 29, 2012, and SHOW CAUSE why sanctions should not be imposed. The motion to compel (DE-41) is DENIED.

DONE AND ORDERED in Chambers at Raleigh, North Carolina on Thursday, February 9, 2012.



WILLIAM A. WEBB
UNITED STATES MAGISTRATE JUDGE